

Greaves Declaration
Exhibit E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVIN G. NUNES,

PLAINTIFF,

-against-

Case No.:
22-cv-1633
(PKC)

NBCUNIVERSAL MEDIA, LLC,

DEFENDANT.

DATE: February 8, 2024

TIME: 9:35 a.m.

- CONFIDENTIAL ATTORNEYS' EYES ONLY -

VIDEOTAPED DEPOSITION of DEVIN G.
NUNES, taken by counsel for the Defendant,
pursuant to the Federal Rules of Civil
Procedure, held at the offices of Davis
Wright Tremaine LLP, 1251 Avenue of the
Americas, New York, New York 10020, before
Roberta Caiola, a Shorthand Reporter and
Notary Public of the State of New York.

1 Devin G. Nunes

2 A. I didn't know who Derkach was
3 then. I still don't know who it is now.

4 Q. So is the answer no?

5 A. Yes, sorry. That's what I
6 meant, no.

7 Q. Okay. Had you received any
8 other communications from Mr. Derkach
9 before December 11, 2019?

10 A. Like I said -- well, I'll just
11 answer no.

12 Q. Okay. That moves us along, I
13 appreciate that.

14 Did you receive any packages or
15 communications from Mr. Derkach after
16 December 11, 2019?

17 A. Not that I'm aware of.

18 Q. So this is the only
19 communication you ever received from
20 Mr. Derkach, to your knowledge; is that
21 right?

22 A. As far as I know, that's
23 correct.

24 Q. And when you were asked to
25 produce documents in this litigation, did

1 Devin G. Nunes

2 you review your phone to see whether you
3 had any communications from Mr. Derkach or
4 one of his proxies?

5 A. I mean, yes, I did. There were
6 none.

7 Q. Just to clarify. You were
8 never contacted by Mr. Derkach after you
9 received the package on December 11th; is
10 that right?

11 A. That's correct.

12 Q. Now your letter also says to
13 Mr. Barr that "I request a meeting with you
14 to discuss these concerns."

15 Do you see that?

16 A. Yes.

17 Q. Did you receive a response from
18 Mr. Barr concerning the letter?

19 A. As I recall, the -- we ended up
20 having a meeting sometime after -- after
21 this. I can't remember if it was --
22 probably within 60 days with
23 representatives from the FBI.

24 Q. And did someone from Mr. Barr's
25 office contact you to coordinate that

1 Devin G. Nunes

2 Q. Yes. Would you be aware if
3 there was any documentation at HPSCI
4 concerning the receipt and transmittal of a
5 package to the FBI?

6 A. Actually, I wouldn't be aware
7 that there would be any documentation at
8 HPSCI because I don't know how that -- but
9 there would be -- but there would for sure
10 be documentation of the FBI meeting with
11 us, plus I think we provided that on my
12 schedule so you know that that meeting
13 occurred.

14 Q. Do you know whether there's any
15 evidence to substantiate that the Derkach
16 package was actually delivered to the FBI
17 on December 11, 2019?

18 A. Well, sure there's evidence.

19 Q. What?

20 A. Because it was handed off to
21 the FBI.

22 Q. But what is the evidence that
23 substantiates that?

24 A. The evidence is that I sent a
25 letter requesting a meeting in regards to

1 Devin G. Nunes

2 the package. The evidence of, you know, my
3 testimony, I think numerous other people's
4 testimony that it was turned over to the
5 FBI. I don't know what more you need.

6 Q. We don't have anybody else's
7 testimony that it was turned over to the
8 FBI.

9 A. Okay.

10 Q. So that's why I'm asking you.

11 A. Okay.

12 Q. You're the last man standing on
13 this point.

14 A. Okay. I don't think that's
15 ever been in question, but...

16 Q. Okay.

17 A. I mean, I think that there's --
18 so what is it? The staff cannot -- the
19 staff that handed off the package to the
20 FBI?

21 Q. We haven't deposed -- in
22 fairness, we haven't deposed Mr. Ciarlante
23 yet and he seems to be the critical player.
24 There have been objections from the counsel
25 for the Committee and the counsel has not

1 Devin G. Nunes

2 the time for the FBI.

3 Q. So you have no recollection of
4 who from the FBI was at the meeting?

5 A. No.

6 Q. Did you discuss the meeting --
7 the fact that the meeting was going to
8 occur with anyone before it occurred?

9 A. Look, it's been a -- it's been
10 a long time ago, but I am sure that at some
11 point I discussed with -- with the members
12 on my Committee and probably other
13 Republicans that, you know, that this was
14 being handled, this, you know,
15 disinformation operation was being handled
16 appropriately. So I'm sure I told them
17 that we, you know, got it to the FBI and
18 that we were following up on it.

19 Q. You have produced your calendar
20 for the year 2020 to us, and I can show you
21 what appears to be a reference, there could
22 be a reference, to a meeting with the FBI.

23 This has been previously marked
24 as Exhibit 7 at Ms. Morrow's deposition.

25 Mr. Nunes, this has been

1 Devin G. Nunes

2 represented to be your calendar for the
3 year 2020. Does that appear to be correct?

4 A. I have no reason to believe
5 it's not.

6 Q. If you direct your attention to
7 the page that is marked on the bottom PX
8 804, it's the third page in the document.
9 There is an entry on January 10th at
10 9:00 a.m. that says: "Meeting/HPSCI: FBI
11 WHO (AS/DH/GP) -- ofc."

12 Do you see that?

13 A. Um-hum.

14 Q. Is that the meeting you're
15 referring to with regard to the FBI in
16 early January in your complaint?

17 A. I'm assuming that's -- that
18 would be a good assumption, but I can't
19 tell you for sure.

20 Q. And --

21 A. But --

22 Q. I'm sorry.

23 A. No, that's -- I just don't know
24 if that's the actual event. It appears to
25 be like it, but I don't know.

1 Devin G. Nunes

2 Q. And do you have any reason to
3 believe that there was a different or
4 another meeting with the FBI concerning the
5 Derkach package that was received on
6 December 11, 2019?

7 A. It's possible, but I don't -- I
8 don't think so.

9 Q. It appears that this meeting
10 occurred in your congressional office, is
11 that correct?

12 A. Well, I remember that meeting
13 being in my -- in my office.

14 Q. In your congressional office?

15 A. Yes.

16 Q. That's what Ms. Souza
17 testified. She wasn't at the meeting I
18 think, but she testified that OFC meant it
19 was in your office?

20 A. Oh, okay.

21 Q. Is that correct, to your
22 knowledge?

23 A. Well, it's not -- that would be
24 correct, but also I remember the meeting
25 being in my office.

1 Devin G. Nunes

2 Q. Okay.

3 A. Because sometimes you would
4 take meetings, you know, it could be in
5 your office, it could be -- but sometimes
6 it could say office, so you might -- it
7 might be off the floor, but I remember that
8 specific meeting being in my office.

9 Q. If the meeting was going to
10 concern classified information, would it be
11 held in your office?

12 A. No. Well, to -- I'm not going
13 to get into that, yeah, because I don't
14 want to.

15 Q. Well --

16 A. You can go up to -- and Todd
17 can stop me if I'm saying anything that's
18 inappropriate -- but you can go up to
19 certain levels depending on the topic,
20 which sometimes it's easier to do those,
21 that's why you would do meetings on the
22 outside.

23 Q. If you wanted to have a meeting
24 that was discussing classified information
25 at a certain level, you would have it in a

1 Devin G. Nunes

2 SCIF?

3 A. Correct.

4 Q. Did you have an understanding
5 as to whether the Derkach package was
6 considered to be classified?

7 A. I wouldn't, I don't know.

8 Q. So you can't say one way or the
9 other?

10 A. No. Well, it wouldn't be
11 class -- I mean -- I don't know what -- I
12 don't know if there's an investigation
13 going, I don't know if they dropped it, I
14 don't know, you know, I have no idea.
15 There could be -- it could be classified if
16 there's some investigation going, or maybe
17 there's not, maybe they didn't do anything
18 about it. I don't know, I never heard.

19 Q. But you didn't understand that
20 the fact that you received the Derkach
21 package was classified information?

22 A. Well, it was publicly
23 transmitted out there, so I think --
24 whether or not the package ever arrived is,
25 you know, I mean that was out there before

1 Devin G. Nunes
2 it arrived. And then it arrived, but like
3 all other packages, it would have been sent
4 to the appropriate authorities.

5 Q. And wouldn't you want to know
6 whether it was classified or the level of
7 classification, if it was classified,
8 before you held a meeting in your office?

9 A. No. Well, I don't want to --
10 we can go on and on talking. I have to put
11 my old hat on here if you want to go --
12 really get into that.

13 Q. I'm trying to understand --

14 MR. GREAVES: I'm going to
15 object to the relevance, but go ahead
16 and ask your question.

17 MS. McNAMARA: It goes to kind
18 of what could be testified to and
19 what can't be, that's why we're
20 trying to nail it down.

21 A. Well, something would not be
22 classified if -- it's packages that are
23 being sent from wherever they're being sent
24 from, would not be classified.

25 Q. Do you know who the initial --

1 Devin G. Nunes

2 I'm sorry?

3 A. Because I don't know if this
4 guy is Russian or Ukrainian, I don't even
5 know. He doesn't get the ability to decide
6 if something's classified or not under the
7 U.S. standards.

8 Q. And do you know who the
9 initials AS stands for?

10 A. Maybe it's Alan Souza. That's
11 the only AS I can think of.

12 Q. Who's Alan Souza?

13 A. He was -- no, it can't be Alan
14 Souza because he wasn't working for me at
15 that time.

16 Q. He became married to
17 Ms. Morrow; is that right?

18 A. No, to Jillian.

19 Q. To Jillian Plank?

20 A. Yeah, but he wasn't working for
21 me at that time. So I don't know who it
22 would be. And just because initials are on
23 there doesn't mean he would be in the
24 meeting.

25 Q. Why would that be?

1 Devin G. Nunes

2 A. Because you might -- well, a
3 number of reasons, but it could have been
4 just somebody who's coordinating, you know,
5 like who's making sure that they're there
6 to know that, you know, give people coffee
7 or whatever.

8 Q. Who creates this calendar for
9 you at that time?

10 A. There was a process in place,
11 everything would get fed into Jennifer, but
12 it could just be -- like typically for
13 intelligence stuff, because not a lot of
14 intelligence stuff would be on the
15 calendar, just the basics.

16 So I think that -- I think the
17 way we handled it was Mr. -- whoever the
18 staff director was would, if there was
19 something they needed to be on or a time
20 slot, they would have a phone call. I
21 don't know if it was once a week or a
22 couple of times a week.

23 Q. So someone must have told
24 whoever was creating this calendar, you
25 know, when the meeting was going to occur

1 Devin G. Nunes

2 and presumably who was attending; is that
3 fair to say?

4 A. I mean the -- the person in
5 attendance that matters is me. I don't --
6 I just don't know. I'm not trying to be
7 offensive or not answer your question, I
8 don't remember other -- it seems to me like
9 Mr. Pappas was in the meeting.

10 Q. Anybody else? You believe
11 Mr. Pappas. Do you know who DH was?

12 A. I think it's Derek Harvey.

13 Q. Okay. And what about GP?

14 A. Well, GP is George Pappas.

15 Q. Okay. Then AS we just don't
16 know?

17 A. Right.

18 Q. I see.

19 A. Well, I think that's Alan
20 Souza. I'm trying to think, I don't know.
21 What's the date on this?

22 Q. It's January 10, 2020.

23 A. No, she was gone already, so I
24 don't know who that would be.

25 Q. And --

1 Devin G. Nunes

2 A. Did you get -- did Jennifer
3 Morrow tell you who it was?

4 Q. I don't believe so.

5 A. Okay.

6 MS. McNAMARA: Did she?

7 MR. CHASE: I believe Ms. Plank
8 testified that it was her husband,
9 Alan Souza.

10 THE WITNESS: Okay. The
11 initials.

12 MR. CHASE: The initials,
13 correct.

14 THE WITNESS: Yeah.

15 Q. So again I'm confused about if
16 this meeting is set up and you're going to
17 discuss the Derkach package, it's set up in
18 your office, but you have no knowledge
19 about what the contents of the package was
20 or what you were going to be discussing?

21 A. I was -- I think I was -- we
22 can -- I would be glad to go into it again.

23 We didn't care what was in the
24 package or not in the package because it
25 was a -- it was a disinformation operation

1 Devin G. Nunes

2 A. I wouldn't know if it's a
3 Russian operative, and I wouldn't engage
4 with them with anything with Russia.

5 Q. You understood or people
6 working for you understood the package was
7 suspicious and that's why it was turned
8 over to the FBI; is that right?

9 A. It was turned over to the FBI.
10 Well, first of all, all packages would get
11 turned over to the FBI, but this one in
12 particular was of interest for reasons I've
13 already told you, because it was a smear
14 operation.

15 Q. First of all, are you telling
16 me on the record here that all packages
17 received by HPSCI are automatically turned
18 over to the FBI?

19 A. Well, I'm not going to get
20 into -- all packages go through a
21 procedure.

22 Q. But do all packages get turned
23 over to the FBI?

24 A. No.

25 Q. So again, going back to why was

1 Devin G. Nunes

2 Q. You don't know?

3 A. I have no idea. I don't know
4 what that meeting is referring to.

5 Q. Well, you only alleged in your
6 complaint, your claim, that we're here
7 today concerning, concerned a package that
8 you received on December 11, 2019, and a
9 meeting that occurred in early January of
10 2020.

11 This 302 doesn't reflect either
12 fact; do you agree with me?

13 MR. GREAVES: Objection to
14 form.

15 A. No.

16 Q. You can answer the question.

17 A. No, I don't agree with you.

18 Q. Where in this document does it
19 reflect that you received a package on
20 December 11, 2019?

21 A. Well, I don't know that that's
22 what this document's about.

23 What this document is about is
24 about we are trying to work with the FBI,
25 and I think you have proof of that here, to

1 Devin G. Nunes

2 hand over anything and everything that we
3 have as it relates to Derkach.

4 Q. If you continue down,
5 Mr. Nunes, in the last paragraph of this
6 email that begins with: "The records were
7 included in a DHL shipment envelope and
8 internal envelope, and were opened,
9 inspected, and resealed by the House mail
10 clearing service."

11 Do you see that?

12 A. Um-hum.

13 Q. That conflicts with your
14 complaint and your testimony today that any
15 package received from Mr. Derkach was not
16 opened, does it not?

17 A. No.

18 Q. It doesn't conflict with that?

19 A. No. I don't know what this --
20 I don't know what packages they're
21 referring to.

22 Q. So this would not be the --
23 because you've indicated that the package
24 received on December 11th wasn't opened and
25 was turned over to the FBI on that day.

1 Devin G. Nunes

2 Q. How did you generally
3 communicate with Mr. Langer during this
4 time?

5 A. If it involved intelligence,
6 most of the time just via phone.

7 Q. Most of the time by phone, but
8 he would also text you?

9 A. Not very often, but...

10 Q. Obviously like this is an
11 example where he did text you; isn't that
12 right?

13 A. But I think this was when --
14 when was this sent?

15 Q. Well, based upon the
16 contextual, I think Mr. Langer's testimony
17 it was early January sometime or in
18 January. It was after January 14th, if you
19 look at the content.

20 MR. GREAVES: Is there a time
21 stamp on the original production?

22 MS. McNAMARA: No. It was a
23 little disorganized on how it was
24 produced, I apologize, I wish it was
25 more.

1 Devin G. Nunes
2 sure, reached out to see if he could -- if
3 he could get his -- I think we provided
4 this to you guys in the discovery
5 questions -- to try to get his emails,
6 because he had left for a while, I forget
7 where he went, but he had left and he came
8 back.

9 Q. And so his emails were
10 destroyed?

11 A. Yeah.

12 Q. But that was reaching out well
13 into this litigation, you were more after
14 this litigation started. I'm focused on
15 what, if any, communications you had with
16 Mr. Ciarlante commensurate with the claim
17 and filing of this litigation instructing
18 Mr. Ciarlante to retain all records related
19 to the issues before this action.

20 A. I don't think we would have had
21 anything with Ciarlante. He was not a, you
22 know, not involved, you know, directly in
23 this. I mean later he became, but not at
24 the time.

25 Q. He was involved in the sense

1 Devin G. Nunes

2 but there's nothing in there that would be,
3 you know, that are all hard, you know, what
4 do you call it, you know, they're like
5 reams of binders of papers, documents.

6 Q. The communications that you say
7 that you had with Mr. Langer or
8 Mr. Ciarlante, did you document those
9 communications in any way? And these are
10 communications about retention of
11 documents.

12 A. I don't know how I would even
13 document them.

14 Q. Well, you could, you know, put
15 them in a text message, put them in an
16 email, put them down on a piece of paper.

17 A. Yeah, well I wouldn't be
18 putting them likely in a text message, but
19 it was -- like I said, it was clearly
20 always to keep all communications, and I
21 think they did a nice job of it, very
22 complete.

23 Q. So it seems that you didn't
24 maintain your text messages, because we
25 haven't received any text messages from

1 Devin G. Nunes

2 you.

3 A. Because there's none that are
4 relevant.

5 Q. Well, you said that you
6 searched for text messages; isn't that
7 right?

8 A. That's correct.

9 Q. How did you search for them?

10 A. Through the -- through the
11 cloud, however you do that.

12 Q. Did you have search terms?

13 A. The lawyers -- the lawyers did
14 it, so I don't know how they -- how they
15 did that.

16 Q. And by the lawyers, are you
17 talking about Mr. Biss?

18 A. Yes.

19 Q. He was kind of a one-man shop,
20 there aren't multiple; is that right?

21 A. Yes. Well, now I guess you
22 guys haven't searched now, well.

23 Q. When you did that search, you
24 did that when you were asked for
25 documents -- strike that.

1 Devin G. Nunes

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)

5 : ss

6 COUNTY OF BRONX)

7

8 I, ROBERTA CAIOLA, a Certified
9 Shorthand Reporter, do hereby certify:

10 That DEVIN G. NUNES, the witness
11 whose deposition is hereinbefore set forth,
12 was duly sworn by me and that such
13 deposition is a true record of the
14 testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I am
18 in no way interested in the outcome of this
19 matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand on February 19, 2024

22

23

Roberta Caiola

24

ROBERTA CAIOLA

25